

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**BERLIN TOWNSHIP BOARD
OF TRUSTEES,**

Plaintiff,

v.

**Civil Action 2:22-cv-2795
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers**

TOWERCO 2013, LLC, *et al.*,

Defendants.

ORDER

This matter is before the Court for reconsideration of the parties' Joint Motion of Plaintiff and Defendant, TowerCo 2013 LLC, for Stay of Proceedings. (ECF No. 5.) On July 21, 2022, the Court granted the parties' Motion and stayed this case until September 19, 2022. (ECF No. 7.) Upon further consideration, the Court **EXTENDS** the stay in this action until **OCTOBER 3, 2022**, and **DIRECTS** the parties to file a **JOINT STATUS REPORT** detailing the status, but not the substance, of their settlement efforts for this case by **OCTOBER 3 2022**, unless they have filed an appropriate dismissal entry before that date. The Court **FURTHER ORDERS** as follows:

It is further **ORDERED** that after **TWENTY-FIVE (25) DAYS** from the date of filing of this Order, each party will have the unilateral right to seek termination of this stay by filing a motion with the Court to terminate the stay. Otherwise, the stay will terminate according to its own terms after **SIXTY (60) DAYS**.

It is further **ORDERED** that the temporary restraining order issued by the State Court on June 21, 2022, in Delaware County Court of Common Pleas Case No. 22 CVH 06 0295 will

remain in full force and effect until such time as this Court sets a date for consideration of the Plaintiff's motion for preliminary injunction.

It is further **ORDERED** that Plaintiff will take no non-court action related to this matter, without prior notice to Defendant, TowerCo 2013 LLC, until such time as the Defendant, TowerCo 2013 LLC, files a motion for temporary restraining order and preliminary injunction and the Court sets a date for consideration of the same.

Notwithstanding the stay entered herein, it is further **ORDERED** that the Plaintiff shall be permitted to file a motion to remand this matter back to the Delaware County Court of Common Pleas in accordance with 28 U.S.C. §1447. In addition, the parties may make such further filings related to Plaintiff's motion to remand as may be reasonable and necessary during the pendency of the stay.

Finally, Defendants Olentangy Local School District, Olentangy Local School District Board of Education, Dr. Lakesha Wyse, Kevin O'Brien, Brandon Lester, and Dr. Kevin Daberkow shall have **TWENTY-ONE (21) DAYS** after the termination of the stay herein to move or otherwise plead to Plaintiff's Complaint herein. In addition, Plaintiff, Berlin Township Board of Trustees, shall have **TWENTY-ONE (21) DAYS** after the termination of the stay herein to move or otherwise plead to the counterclaims filed herein by Defendant, TowerCo 2013 LLC.

IT IS SO ORDERED.

Date: August 4, 2022

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE